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In re application of   :
Betsy P. Colwell   :
Application No. 09/816,016   :   DECISION ON PETITION
Filed: March 23, 2001   :   TO WITHDRAW THE
For: SELECTIVE BIRD FEEDER :   HOLDING OF ABANDONMENT
                              :

This is in reply to applicant's Petition To Withdraw Holding of Abandonment under 37 CFR 1.181(a) filed November 14, 2002. There is no fee required for this petition.

The petition is **DISMISSED as moot.**

A review of the application file reveals that a Notice of Abandonment mailed November 4, 2002 specified that the application had become abandoned because of applicant's failure to reply to the Office action of April 18, 2002. The applicant provides, along with the petition, a copy of the amendment that applicant argues was timely filed on October 18, 2002.

A further review reveals that the original copy of the amendment has since caught up with the file and is timely. Since a timely response to the Office action of April 18, 2002 has been filed, the abandonment is hereby withdrawn. Since the original of the amendment in question is now in the file, there is no need to treat the petition on the merits and it is therefore dismissed as moot.

This application will be forwarded to the Supervisory Legal Instruments Examiner to withdraw the abandonment, return the application to pending status and enter the original amendment filed October 18, 2002 before forwarding to the examiner for treatment on the merits.

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Steven Meyers at (703) 308-3868.

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SM: 12/21/02